

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

JASON ALFORD *et al.*,

Plaintiffs,

v.

THE NFL PLAYER DISABILITY &
SURVIVOR BENEFIT PLAN *et al.*,

Defendants.

Case No. 1:23-cv-00358-JRR

**DECLARATION OF GREGORY F. JACOB IN SUPPORT OF
DEFENDANTS' JOINT RULE 12(b)(6) MOTION TO DISMISS
PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT**

I, Gregory F. Jacob, hereby declare pursuant to 28 U.S.C. § 1746, under the penalty of perjury, that the following is true and correct to the best of my knowledge, information, and belief:

1. I am an attorney admitted to practice before this Court, a partner at O'Melveny & Myers LLP, and counsel of record for Defendants the NFL Player Disability & Neurocognitive Benefit Plan, the NFL Player Disability & Survivor Benefit Plan, the Bert Bell/Pete Rozelle NFL Player Retirement Plan, and the Disability Board of the NFL Player Disability & Neurocognitive Benefit Plan. I respectfully submit this Declaration in Support of Defendants' Joint Rule 12(b)(6) Motion to Dismiss in the above-captioned action. I have personal knowledge of the matters set forth herein based on my role as counsel of record and my review of the case file. If called to testify as a witness in this action, I could and would testify competently thereto.

2. Attached as **Exhibit A** are true and correct copies of the publicly available IRS Form 5500 filings from 2016 through 2021 for the NFL Player Disability & Survivor Benefit Plan's (formerly known as the NFL Player Disability & Neurocognitive Benefit Plan), as downloaded on or about June 25, 2023 from the United States Department of Labor, Form 5500 Search, EFAST2, <https://www.efast.dol.gov/5500search/> (select "EIN" and search "52-1852594").

3. Attached as **Exhibit W** is a true and correct copy of Order, *Cloud v. Bert Bell/Pete Rozelle NFL Player Ret. Plan*, 3:20-cv-01277-S (N.D. Tex. Dec. 27, 2021), ECF No. 113.

4. Attached as **Exhibit X** is a true and correct copy of Order re Motion to Dismiss, *Dimry v. Bert Bell/Pete Rozelle NFL Player Ret. Plan*, 3:16-cv-01413-JD (N.D. Cal. June 14, 2016), ECF No. 33.

5. Attached as **Exhibit Y** is a true and correct copy of Trial Transcript, *Cloud v. Bert Bell/Pete Rozelle NFL Player Ret. Plan*, 3:20-cv-01277-S (N.D. Tex. May 23, 2022), ECF No. 242 at 1–3, 54–64, 289, bearing the certificate of Thu Bui, CRR, RMR, Official Court Reporter, United States District Court, Northern District of Texas.

Executed this 27th day of June, 2023 at Ontonagon, Michigan.

/s/ Gregory F. Jacob
Gregory F. Jacob